

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BETH COPSON,
as Administratrix of the Estate of
KYLE ANDREW COPSON, deceased,**

Plaintiff,

v.

**CIVIL ACTION NO. 1:19-cv-00127
The Honorable David A. Faber**

**PATRICK M. HEPHNER, individually
as a member of the West Virginia State Police,
and JAMES C. LONG, individually
as a member of the West Virginia State Police,**

Defendants.

DEFENDANT LONG'S MOTION TO COMPEL

COMES NOW Defendant Long, by counsel, pursuant to the rules of this Court and move this Court to compel Plaintiff to respond to this Defendant's written discovery requests. In support of this Motion, this Defendant states the following:

1. This Defendant served his First Set of Interrogatories, Requests for Admission and Requests for Production of Documents to Plaintiff on May 7, 2019;
2. Thereafter, Plaintiff's Counsel requested multiple extensions to respond to the discovery requests;
3. These extensions were granted provided that Plaintiff would not raise timeliness as a defense should this Defendant need to file a motion to compel should Plaintiff's discovery responses be lacking; and

4. Plaintiff has been provided multiple extensions but, as of the date of this filing, the discovery responses have still not been produced.¹

For these reasons, this Defendant respectfully requests that the Court enter an order requiring Plaintiff to respond to the discovery.

JAMES C. LONG,

By Counsel:

/s/ Michael D. Mullins

Michael D. Mullins, Esq. [WVSB #7754]

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Of Counsel

¹ Defendants' Counsel has been advised by Plaintiff's Counsel that Plaintiff's Counsel has endured a family, medical emergency that has slowed the responses and that Plaintiff's Counsel intends to seek a continuance. If that is the case, Defendants' Counsel would not object to a reasonable continuance, but, with looming deadlines, it appeared necessary to file this Motion.

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CERTIFICATION OF SERVICE

I hereby certify that on the 20th day of September, 2019, I filed the foregoing “**Defendant Long’s Motion to Compel,**” with the Clerk of Court by utilizing the CM/ECF system, which will send electronic notification of said filing to the CM/ECF participant(s) below:

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